

The applicant then met with, and disclosed his invention to, the undersigned attorney. To be perfectly frank, the undersigned attorney was very surprised that apparently no one had ever published, patented or otherwise publicly used high mounted brake or turn signals on trucks or trailers. The undersigned attorney, despite having grown up in Southeastern Michigan, studied mechanical engineering and law in Ann Arbor, Michigan, and practiced patent law for many years in Detroit and Ann Arbor, could not recollect having ever seen high mounted brake or turn signals on trucks or trailers.

Truck trailers and busses have long been equipped with triple small red tail lights at the top rear center and a single small red tail light at each top rear corner. The undersigned can remember these tail lights going back to his childhood some 60 years ago. They must have become standard required lighting prior to World War II. Countless motorists and their passengers have been exposed to the standard required tail lighting, yet it appears that no one has ever put brake lights or turn signals up with the small tail lights prior to applicant.

The applicant has manufactured and sold a small quantity of the units depicted in the patent drawings. In use at night, the high mounted brake lights and turn signals are so effective as to be almost startling when first seen.

Including the parent application to the instant application, three or four patent examiners have now considered and searched the Patent and Trademark Office records without finding a reference to high mounted brake or turn signal lights that predates applicant's parent application.

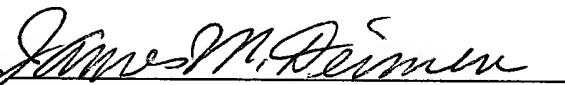
Applicant's invention appears to truly be a classic case of an invention being literally "in everyone's face" for 60-80 years without anyone realizing, using or patenting the invention prior to applicant. Only once being exposed to applicant's invention does it appear to be almost

intuitive (by hindsight). Once having seen the high mounted brake or turn signal in operation at night can only make one wonder why such an important safety feature has not appeared long before now!

Events and considerations subsequent to the filing of the parent application have convinced the undersigned attorney that the original claims were too narrow and that applicant is truly entitled to broader claims than previously presented. History literally proves that applicant's invention is unobvious. Therefore, new claims 6-8 have been added to broadly claim the high mounted brake or turn signal lights without the bodies containing the lights.

Respectfully submitted,

JEFF L. HYMER

By, 
James M. Deimen, #25504
320 N. Main Street, Suite 300
Ann Arbor, MI 48104-1192
Telephone: (734) 994-5947
Facsimile: (734) 769-2702

(JMD/Hymer - Response to Action 09-18-01)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

6. Vehicle signaling lights for signaling change of vehicle speed or direction from a first relatively tall commercial vehicle⁽¹⁰⁾ to a plurality of other vehicles of much lesser height following there behind comprising,

at least one light adjacent the upper right rear corner of the first relatively tall vehicle, ^{(30) fig. 1}

at least one light adjacent the upper left rear corner of the first relatively tall vehicle, ⁽²⁰⁾

each of said at least one light located at an elevation sufficient for viewing by the plurality of following vehicles arrayed serially behind the first vehicle, and

electric circuitry communicating from first vehicle driver controls to each of said at least one light whereby a first vehicle driver can selectably illuminate each or both of said at least one lights by applying the first vehicle brakes or turn signal switches. ^(Col. 4, lines 2-18)

7. The vehicle signaling lights of claim 6 wherein each of said at least one light is a single light combining the function of brake light and turn signal light. ^(Col. 4, lines 9-14)

8. The vehicle signaling lights of claim 6 wherein each of said at least one light comprises separately illuminateable brake light and turn signal light. ^(Col. 5, lines 7-12)